

REMARKS

Claims 1, 2, 4-15 and 17-21 remain pending after response, with claims 2, 6-10, 13-15 and 17-20 being withdrawn from consideration.

Claim Rejection Under 35 U.S.C. §102(b)

Claims 1, 5, 11-12 and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by GB 2,276,552.

In support of the rejection, the Examiner previously took the position that the reference discloses a sanitary napkin that has an elongate body (10) and a pair of left and right rear wing portions (20).

The Examiner also states at pages 2-3 of the Final Rejection that the reference discloses an absorbent body wherein:

“ . . . a rearmost portion of each left and right wing portions is co-extensive with a rearmost portion of said rear end portion of the elongate absorbent body, with said left and right wing portions extending to said intermediate central portion, each said left and right wing portions extending laterally from said rear end portion of said elongate absorbent body such that a lateral extent of each said left and right wing portions is spaced a distance from said elongate absorbent body, said distance decreasing from said rear end portion toward said intermediate central portion of said elongate absorbent body”.

The Examiner explains her position further at page 5 of the Final Rejection:

“ . . . the Examiner contends that any rearmost portion of the wing portion coextensive with any portion of the rear end portion of the elongate absorbent member will meet the claimed limitations. Further, any initial distance measured laterally outside of the absorbent body as compared to a lesser distance of the same will also meet the claimed limitations with respect to a decreasing distance.”

This rejection is respectfully traversed.

By way of review, Applicants' invention is directed to a sanitary napkin comprising:

“ an elongate absorbent body having front and rear end portions, and an intermediate central portion; and

a pair of left and right wing portions disposed at longitudinally opposite left and right sides of said absorbent body, said left and right wing portions extending along the entire left and right sides of said absorbent body, wherein a rearmost portion of each said left and right wing portions terminates at and is co-extensive with a rearmost portion of said rear end portion of said elongate absorbent body, each said left and right wing portions extending laterally from said rear end portion of said elongate absorbent body such that a lateral extent of each said left and right wing portions is spaced a distance from said elongate absorbent body, said distance decreasing from said rear end portion toward an intermediate central portion of said elongate absorbent body, and

wherein each of said left and right wing portions includes a liquid-retentive wing portion absorbent core that comprises embossed absorption paper, and after 1 minute after dropping 1 g of a physiological solution of sodium chloride from about 1 cm above the absorbent core onto the liquid-retentive wing portion absorbent core under conditions of 20 °C and humidity of 65%, the solution disperses to an area of the wing portion absorbent core measuring no larger than 80 cm².”

A characteristic feature of the present invention resides in the presence of rearwardly disposed “left and right wing portions”, which have a liquid retentive wing portion absorbent core.

The rear wing portions cover the shorts of the wearer in the wider range, when the napkin is attached to the shorts, thereby preventing blood from leaking to the rear side. The Examiner's attention is directed to page 10, lines 8-10 of the instant specification in this regard.

The rear wing portions of the present invention are characterized by low diffusion or dispersibility of liquid, since the rear wing portions serve a supplemental function to the body absorbent core. *The wing portions extend along the entire left and right sides of the absorbent body. Rearmost portions of each wing portion terminate at and are co-extensive with a rearmost portion of the end portion of the absorbent body. The Examiner's attention is directed to Figures 1 and 4 in this regard which clearly depict such wing portions.*

In the present invention, the absorptive area is used to correspond to the degree of liquid diffusion or dispersibility (i.e., a lower absorptive area means lower liquid diffusion). Thus, in the claimed sanitary napkins, the rear wing portion absorbent core has a low liquid diffusion, i.e., an absorptive area of 80 cm² or less, in order to prevent body fluids from unduly diffusing over the rear wing portion and thereby prevent leakage. See page 6, lines 19-27, particularly lines 25-27; and page 8, lines 5-21, particularly 16-21 of the instant specification.

There is no disclosure or suggestion in the reference regarding the presence of rearwardly disposed wing portions (as defined by claim 1 and depicted in Figures 1 and 4), nor any disclosure or suggestion of the low liquid diffusion property of the rear wing portions.

Further, the reference fails to describe the limitations of dependent claim 4 (absorbency of wing portion), claim 5 (strength of wing portion), claims 11 and 12 (wing portion extends substantially the entire length of napkin), claim 12 (wing portion includes a liquid-permeable top sheet, liquid impermeable back sheet, and liquid-retentive absorbent core therebetween), and claim 21 (portion of wing portion extending outwardly from wing portion at a position between the intermediate central portion and the front end portion of the elongate body).

Applicants' invention is thus not *anticipated* by the cited prior art.

In the Advisory Action, in response to such arguments, the Examiner takes the following position upon maintaining the Final Rejection of the claims under 35 U.S.C. §102(b):

“With respect to Applicants' argument that Sasajima does not provide rearwardly disposed wing portions, the Examiner contends that any rearward portion of the wing portion coextensive with any portion of the rear end portion of the elongate absorbent body will meet the claimed limitations. Further, any initial distance measured laterally outside of the absorbent body as compared to a lesser distance of the same will also meet the claimed limitations with respect to a decreasing distance. Likewise, it is noted that the features upon which Applicants rely (i.e., reduced liquid diffusion of rear wing portions) are not recited in the rejected claims(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the claims.”

Applicants disagree with the position of the Examiner. In the Advisory Action, the Examiner makes reference to the fact that “any” wing portion of the reference “coextensive with any portion of the rear end portion” meets the claimed limitations.

However, the claimed limitations are not simply limited to the presence of a wing portion which is merely “coextensive with any portion of the rear end portion of the elongate absorbent member” as asserted by the Examiner. Instead, the claims require that the wing portion be both “coextensive with” and “*terminate at*” a rearmost end portion of the rear end portion of the elongate absorbent body. Such a limitation is clearly not shown (and thus not anticipated by) the cited prior art. Indeed, the Examiner fails to identify any aspect of the product of the reference as depicted in Figure 1 of the reference which meets such limitation.

The Examiner in the Advisory Action also takes the position that the “reduced liquid diffusion” argument is not supported by limitations in the claims. Applicants also disagree with this aspect of the Advisory Action as claim 1 specifically recites a limitation directed to the absorbency of the wing portion absorbent core.

It is thus not clear how the Examiner arrives at the above-noted conclusions made in support of maintaining the rejection under 35 U.S.C. §102(b), particularly with respect to the limitations of the claims directed to: (1) a wing portion extending laterally from each entire side of the absorbent body, (2) which wing portions each terminate at and are co-extensive with the rearmost portion of the rear end portion of the elongate absorbent body, and (3) where the distance in spacing decreases from the rear end portion toward an intermediate central portion of the absorbent body.

Indeed, as Applicants suggested in their prior response, the Examiner may incorrectly be considering the cross-sectional configuration of the absorbent body, instead of the planar configuration of the absorbent body, in support of her position.

More specifically, the reference is directed to a sanitary napkin having flaps 20 (Figure 1) extending outwarding from a centrally-disposed portion of the napkin. The reference states at page 6, lines 1-7 that the “flaps 20 are formed by expanding the backsheet 2 outwardly at generally longitudinally central areas from opposite side edge portions of the central absorbent portion 10.” Claim 1 of the reference also states that the flaps extend “from opposite side portions of a central absorbent portion”.

Upon use of the napkin of the reference, the flaps are folded in such a manner as to sandwich the shorts, and then the flaps are fixed to an outer surface of the crotch of the shorts. The wing portions are made of a resin film. Apparently, the resin film does not absorb liquid waste even if the film is embossed. Thus, the diffusion area of physiological saline in the wing portion of the reference is considered to be as low as zero. The embossed wing portion of the reference is used for the purpose of attaining an increase in feel and touch of the napkin.

In summary, the napkin of the reference differs from the claimed invention for at least the following reasons:

- (1) the position of the wing portion;
- (2) the configuration of the wing portions;
- (3) the object and function of the wing portion; and
- (4) the material used for the wing portion.

Further, Figure 2 of the reference is a cross-sectional view taken along line I-I' in Figure 1.

The Examiner is cautioned, however, that Figure 2 depicts the wing portion in a folded state toward the outer surface of the shorts, whereas Figure 1 depicts the wing portion in the flattened (unfolded) state. In other words, Figures 1 and 2 depict the wing portion in different configurations. As a result, it is apparent that the Examiner may have misunderstood the structure of the reference, and incorrectly determined the wing portion of the reference to include an absorbent member, or to have the claimed configuration.

The claimed invention as defined by claims 1, 4, 5, 11, 12 and 21 is accordingly not anticipated by the reference, and the rejection should be withdrawn.

Claim Rejection Under 35 U.S.C. §103(a)

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over GB '552. This rejection is respectfully traversed.

Claim 1, from which claim 4 depends, patentably distinguishes over the cited reference for the reasons asserted above. Further, as the embodiment of claim 1 is neither disclosed nor suggested by the cited reference, claim 4, which incorporates the limitations of claim 1, accordingly also patentably distinguishable over the reference.

Also, because the cited reference provides no motivation to arrive at the instant invention as claimed, it cannot provide a proper basis for supporting a *prima facie* obviousness rejection of the claims under 35 U.S.C. §103(a). The rejection is thus without basis and should be withdrawn.

The application is accordingly believed to be in condition for allowance, and an early indication of same earnestly is solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or §1.17; particularly, extension of time fees.

Date:

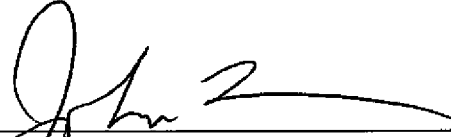
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Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

JWB/JWH/srm

By


John W. Bailey, #32,881

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000